

BM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,041	08/01/2003	Fengsheng Li		7911

7590 10/13/2005
 Fengsheng Li
 336 Central Park Ave. J7
 Scarsdale, NY 10583

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,041	Applicant(s) LI ET AL.	
	Examiner Regina Liang	Art Unit 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/1/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-1-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “motorized vibrator” (claims 2, 8, 11), “motorized cooler” (claims 3, 9, 12), “necessary grooves” (claims 6, 7), “necessary hooks, grooves” (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2674

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not provide support for “a motorized vibrator to deliver active massaging” (claims 2, 8, 11), “a motorized cooler to deliver active cooling to the user’s palm” (claims 3, 9, 12), “each bristle has a little ball on the tip to reduce the sharpness of the bristles” (claim 4), “each bristle is itself a cluster of thinner bristles of natural or man-made materials” (claim 5), “a removable top part which has bristles; a bottom part supplying the necessary grooves to join with the bristled part” (claim 6), “the removable part is an assembly, which contains the necessary grooves for mounting the bristles, so that to facilitate cleaning and to make removing the bristles easy when user does not want the bristles and want to convert to a regular mouse without bristles” (claim 7), “a bristled coat; necessary hooks, grooves for fastening the bristled coat” (claim 10) as claimed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2674

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1 and 6, what is meant by "or call it teathed" and "or call the bristles teeth"?

Regarding claims 1, 6, 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 2, 4-8, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir (US. PAT. NO. 6,599,259) in view of Pap (US. PUB. NO. 2004/0089771).

As to claim 1, Muir discloses a computer mouse having mouse functions such as click buttons, roll and body base platform. Muir also discloses the mouse having a massaging element (20) to provide massage stimuli to the user's palm. Muir does not disclose the top part (palm support) of the mouse having bristles. However, Figs. 7-9 of Pap teaches a palm support for a computer mouse having a group of bristles (62 in Fig. 7; 68 in Figs. 8 and 9) for providing massage benefits to the hand and wrist of a user while the user is operated the mouse (see [0062]-[0064] of Pap). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the palm support of Muir to have the bristles as

Art Unit: 2674

taught by Pap since the palm support with the bristles which support the hand and wrist and facilitate forward, backward, laterally, and other movement of the user, and provide massaging element accommodating a full range of motion ([0063] of Pap).

As to claim 2, Muir teaches the massaging element having a motorized vibrator (22 in Fig. 3) to deliver active massaging and active stimulation to the user's palm.

As to claim 4, Fig. 7B of Pap shows that each bristle has a little ball on the tip to reduce the sharpness of the bristles.

As to claim 5, Pap teaches each bristle is itself a cluster of man-made materials (lines 16-18 in [0062] for example).

As to claims 6, 7, note the discussion of claim 1 above. Pap teaches the palm support having the bristles is attached to the base by Velcro or snap fitting (lines 18-20 in [0062], this reads on the support having the bristles is removable attached to the base), and Fig. 7B of Pap shows the base has a cut out section (grooves) in which the bristled part (62) is removable attached to it. Thus, the combination of Muir and Pap would have a removable top part which has bristles, a bottom part supplying the necessary grooves to join with bristled part, and so that to facilitate cleaning and to make removing the bristles easy when user does not want the bristles and want to covert to a regular mouse without bristles as claimed.

As to claim 8, Muir teaches the massaging element having a motorized vibrator (22 in Fig. 3) to deliver active massaging and active stimulation to the user's palm.

As to claim 10, note the discussion of claim 1 above. Pap teaches the support having the bristles is attached to the base by adhesive, Velcro or snap fitting (lines 18-20 in [0062]), and Fig. 7B of Pap shows the base has a cut out section (grooves) in which the bristled part (62) is

Art Unit: 2674

attached to it. Thus, the combination of Muir and Pap would have a bristled coat (the support having the bristles) and necessary grooves for fastening the bristled coat as claimed.

As to claim 11, Muir teaches the massaging element having a motorized vibrator (22 in Fig. 3) to deliver active massaging and active stimulation to the user's palm.

8. Claims 3, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir and Pap as applied to claims 1, 6 and 10 above, and further in view of Joo (US. PUB. NO. 2002/0190951).

Muir as modified by Pap does not disclose the mouse having a motorized cooler to deliver active cooling to the user's palm. However, Joo teaches a computer mouse with ventilation having a motorized cooler (exhaust outlet 24, fan 32, motor 34) to deliver active cooling to the user's palm. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mouse of Muir as modified by Pap to have a motorized cooler as taught by Joo so as to increase the comfort and relaxation of the user by reducing or eliminating the hand perspiration ([0006] of Joo).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Sun (US. PAT. NO. 6,847,846), Shen et al (US. PUB. NO. 2004/0061681), Prokop (US. PAT. NO. 5,566,913), Tseng (US. PUB. NO. 2004/0048038), Miwa (JP 2002014769).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

Art Unit: 2674

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

9/28/05